



Entered on Docket  
June 11, 2008

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
 USA Commercial Mortgage Company,  
 USA Capital Realty Advisors, LLC,  
 USA Capital Diversified Trust Deed Fund, LLC,  
 USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
 USA Securities, LLC,<sup>2</sup> Debtors.

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR<sup>1</sup>  
 Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE I-40  
GATEWAY WEST LOAN**

Hearing Date: June 9, 2008  
 Hearing Time: 9:30 a.m.

**Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Fourth Omnibus  
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon  
3 Investment in the I-40 Gateway West Loan (the "Objection") [DE 6262]. Adequate notice  
4 of the Objection was given. The Court heard the Objection on June 9, 2008. No responses  
5 were filed to the Objection and no opposition was raised at the hearing. Good cause  
6 appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they  
10 are based upon an investment in the I-40 Gateway West Loan. The Proofs of  
11 Claim listed in Exhibit A are not affected by this order to the extent they are  
12 based upon an investment in a loan(s) other than the I-40 Gateway West Loan;  
13 and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to  
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 #####  
17 PREPARED AND SUBMITTED:  
18

19 **LEWIS AND ROCA LLP**  
20 By: /s/ RC (#0006593)  
21 Susan M. Freeman  
Rob Charles  
John Hinderaker  
22 *Attorneys for USACM Liquidating Trust*  
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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3    The Court waived the requirements of approval under LR 9021.
- 4    No parties appeared or filed written objections, and there is no trustee appointed  
5                          in the case.
- 6    No opposition was filed to the motion and no other party or counsel appeared at  
7                          the hearing.
- 8    I have delivered a copy of this proposed order to all attorneys and unrepresented  
9                          parties who have appeared at the hearing, and any trustee appointed in the case,  
                        and each has approved or disapproved the order, or failed to respond, as  
                        indicated below:

10                          **LEWIS AND ROCA LLP**

11 By: /s/ RC (#0006593)  
12 Susan M. Freeman  
13 Rob Charles  
14 John Hinderaker  
15 *Attorneys for USACM Liquidating Trust*